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Pages 5 (including cover page)  
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Docket No.: H 5336 PCT/US  
RE: Gruenewaelder et al.  
Application No.: 10/798,162  
Confirmation No.: 5098

- 
- Request for Correction of Petition Decision Under 37 CFR 1.137(b) (2 pages)
  - Copy of Petition Decision (2 pages)

PATENT

Docket No. H 5336 PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gruenewalder et al.  
Appl. No.: 10/798,162  
Filed: March 11, 2004  
Title: FAST SETTING 1K-POLYURETHANE GLUE  
Art Unit: 1714  
Examiner:  
Customer No.: 00423  
Confirm. No.: 5098

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Office of PCT Legal Administration  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF PETITION  
DECISION UNDER 37 CFR 1.137(b)

We hereby request correction of the Petition Decision  
under 37 CFR 1.137(b) for Application No. 10/798,162.

Please correct the following data:

- 1) The filing date should read: --March 11, 2004--.

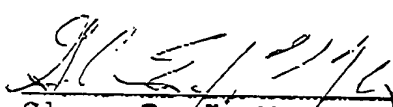
Appl. No. 10/798,162  
Docket No. H 5333 PCT/US

- 2) The attorney docket number is: --H 5336 PCT/US--.
- 3) The title is as follows: --FAST SETTING 1K-POLYURETHANE GLUE--.
- 4) The Deposit Account Number is: --01-1250--.
- 5) The corresponding attorney's name is: --Glenn E. J. Murphy--.

It appears from our file that the error is the fault of the Patent Office; thus, Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 01-1250.

We thank you for your assistance in this matter.

Respectfully submitted,

  
Glenn E. J. Murphy  
(Reg. No. 33,539)  
Attorney for Applicants  
610-278-4926

GEM/img

Henkel Corporation  
Patent Law Department  
2200 Renaissance Blvd., Suite 200  
Gulph Mills, PA 19406

Encl.

1. Petition Decision (copy)



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HENKEL LAW DEPT.

Glenn E. J. Henkel *MURPHY*  
Henkel Corporation  
Patent Law Department  
2200 Renaissance Blvd., Suite 200  
Gulph Mills, PA 19406In re Application of  
GRUENEWAEELDER et al.

U.S. Application No. 10/798,162

Filing Date: 16 June 2004 11 MARCH 2004

Attorney Docket No. 01107.00482 H 5336 PCT/US

For: PHOSPHATE ASSOCIATED WITH

METASTASIS

FAST SETTING 1K-POLYURETHANE GLUE

DECISION ON PETITION  
UNDER 37 CFR 1.137(b)

This decision is in response to applicant's "Resubmission of Petition to Revive Abandoned International Application" which is being treated as a Petition under 37 CFR 1.181 and a Petition to Revive under CFR 1.137(b) filed 01 November 2004 in the above-captioned application. The petition fee under 37 CFR 1.17(m) has been charged to Deposit Account no. 04-0088. 01-1250

### BACKGROUND

On 13 August 2002, applicant filed international application PCT/EP02/09049 which claimed a priority date of 16 August 2001. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the international filing date, 09 February 2004.

On 11 March 2004, applicant filed a specification, drawings, unexecuted declaration and a itemized postcard receipt.

On 01 November 2004, applicant filed "Resubmission of Petition to Revive Abandoned International Application" which included a copy of the Petition to Revive under 37 CFR 1.137(b) and a postcard receipt.

### DISCUSSION

#### A. Petition under 37 CFR 1.181

Applicant states in their present petition that a Petition to Revive under CFR 1.137(b) was received at the United States Patent and Trademark Office on 11 March 2004. A review of the present application reveals that the Petition to Revive under CFR 1.137(b) is not located therein. Section 503 of the Manual of Patent Examining Procedure under the heading "RETURN POSTCARD" states, in part:

U.S. Application No.: 10/798,162

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"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Here, applicants have provided a copy of their date-stamped filing receipt. The receipt identifies the application by applicant, title of invention, and attorney docket number. The receipt itemizes, among other things, a Petition to Revive. The receipt is stamped by the United States Patent and Trademark Office across its face is sufficient to indicate that the above items were in fact received in the Office on 11 March 2004.

B. Petition to Revive under 37 CFR 1.137(b)

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional" and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

Regarding item (1), applicant has supplied the proper reply in the form of the filing of a continuation application.

As to item (2), the petition fee has been submitted.

~~With regard to Item (3), applicant's statement that "entire delay in filing the 35~~  
U.S.C. 371(c) requirement from their due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" and the prompt filing of the petition satisfies the requirement of 37 CFR 1.137(b)(3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

Applicant's petition to revive for the purposes of continuity only is GRANTED.

International application PCT/EP02/09049 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned.



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